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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CITIMORTGAGE, INC.,

Case No.: 2:21-cv-00538-GMN-NJK

Plaintiff,

VS.

FIDELITY NATIONAL TITLE GROUP, INC.;
FIDELITY NATIONAL TITLE INSURANCE
COMPANY; FIDELITY NATIONAL TITLE
AGENCY OF NEVADA, INC.; DOE
INDIVIDUALS I through X; and ROE
CORPORATIONS XI through XX, inclusive

**STIPULATION AND ORDER TO
CONTINUE STAY OF CASE**

Defendants.

Plaintiff, CitiMortgage, Inc. (“Plaintiff”) and Defendants Fidelity National Title Group, Inc., Fidelity National Title Insurance Company and Fidelity National Title Agency of Nevada, Inc. (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Defendants disputes, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently pending in the United States District Court for the District of Nevada and Nevada state courts more than one-hundred actions between national banks, on the one hand, and title insurers, on the other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA

1 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
 2 and/or CLTA 115.2/ALTA 5 Endorsements.

3 The Nevada Supreme Court recently heard oral argument on April 11, 2023 in two appeals
 4 involving similar coverage issues, *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada
 5 Supreme Court Case No. 83737 (District Court Case No. A-18-781257-C) (“*PennyMac*”) and
 6 *Deutsche Bank Nat'l Trust Co. v. Fidelity Nat'l Title Ins. Co.*, Nevada Supreme Court Case No.
 7 84161 (District Court Case No. A-20-820307-C) (“*Deutsche Bank*”). The matters have been
 8 taken under submission and orders remain pending. The Parties anticipate that the Nevada
 9 Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the
 10 interpretation of policy and claims handling, that could potentially affect the disposition of the
 11 instant action.

12 Accordingly, the Parties believe an additional stay of sixty (60) days in the instant action
 13 will best serve the interests of judicial economy. The Parties request that the action be stayed for
 14 an additional sixty (60) days, through and including, September 25, 2023. The Parties are to
 15 submit a Joint Status Report on or before September 22, 2023. The Parties further agree that this
 16 stipulation and stay of this case is entered based on the specific circumstances surrounding this
 17 particular case, and that this stipulation shall not be viewed as a reason for granting a stay in any
 18 other pending matter.

19 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 20 stipulate and agree as follows:

21 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 22 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIXTY**
 23 **(60) DAYS**, through and including, September 25, 2023.

24 2. All deadlines currently set in this case shall remain **VACATED**.

25 3. The Parties are to submit a Joint Status Report on or before September 22, 2023.

26 4. By entering into this Stipulation, none of the Parties is waiving its right to
 27 subsequently move the Court for an order lifting the stay in this action.

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1 5. Notwithstanding this Stipulation, the Parties may continue to conduct third-party
2 discovery (including by issuing and enforcing third-party subpoenas) to preserve
3 evidence.

4 **IT IS SO STIPULATED.**

5 DATED this 21st day of July, 2023.

6 WRIGHT, FINLAY & ZAK, LLP

7 /s/ Lindsay D. Dragon
8 Lindsay D. Dragon, Esq.
9 Nevada Bar No. 13474
10 7785 W. Sahara Ave., Suite 200
11 Las Vegas, NV 89117
12 *Attorney for Plaintiff, CitiMortgage, Inc.*

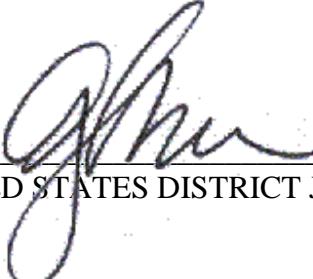
DATED this 21st day of July, 2023.

SINCLAIR BRAUN KARGHER LLP

7 /s/ Kevin S. Sinclair
8 Kevin S. Sinclair, Esq.
9 Nevada Bar No. 12277
10 15260 Ventura Blvd., Ste 715
11 Sherman Oaks, California 91403
12 *Attorney for Defendants, Fidelity National
13 Title Group, Inc., Fidelity National Title
14 Insurance Company and Fidelity National
15 Title Agency of Nevada, Inc.*

14 **IT IS SO ORDERED.**

15 Dated this 31 day of August, 2023.

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20 UNITED STATES DISTRICT JUDGE
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